(ii) any officer of the Municipal Council authorised by the Municipal Council in this behalf, if he has reason to believe that any article on which octroi has not been paid but which is liable to octroi and for the sale of which a licence is required to be obtained is kept or concealed in any premises may, after obtaining the warrant of a Magistrate, enter and search at any time such premises and if he finds any such article on which octroi has not been paid, may seize any such article and arrest any person in possession of the same:

Seizure of articles on which octroi duty has not been paid and arrest of person in possession of such articles.

Provided that any article or person so seized or arrested shall be produced before a Magistrate exercising jurisdiction within the municipality within twenty-four hours from the time of such seizure or arrest:

Provided also that nothing in this section shall apply to any article liable to octroi and for the sale of which a licence is required to be obtained, if the value of such article does not exceed two hundred rupees and if it is kept by any person for the personal use of himself or any member of his family or sold by such person when not required for such use.

(iii) The provisions of the Code of Criminal Procedure, 1904, shall, so far as may be, apply to all searches and arrests effected under this section."

Searches and arrests to be governed by the Code of Criminal Procedure, 1904.

MIRZA M. ISMIAL,
*Dewan.*

*Order No. P. 5473—Legis. 45-39-1, dated Bangalore, the 10th February 1940.*

Ordered that the accompanying Act to provide for certain matters in connection with the taking of the census which received the assent of His Highness the Maharaja, on the 1st day of February 1940, be published as Act No. IX of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
*Secretary to Government,*
*Law Department.*

ACT No. IX OF 1940.

# THE MYSORE CENSUS ACT, 1940.

**An Act to provide for certain matters in connection with the taking of the census.**

*(Received the assent of His Highness the Maharaja on the first day of February 1940.)*

WHEREAS it has been determined to take a census of Mysore during the year 1941, and whereas it is expedient to provide for certain matters in connection with the taking of such census; It is hereby enacted as follows :—

Short title and extent.

1. (*a*) This Act may be called the Mysore Census Act, 1940.

(*b*) It extends to the whole of Mysore.

Appointment of census staff.

2. (1) The Government may appoint any person to take, or aid in, or supervise the taking of, the census within any specified local area. Persons so appointed shall be called census-officers.

(2) A declaration in writing, signed by any authority authorised by the Government in this behalf, that any person has been duly appointed a census-officer for any local area shall be conclusive proof of such appointment.

(3) The Government may delegate to such authority as it thinks fit the power of appointing census-officers conferred by sub-section (1).

Status of census authorities as public servants.

3. All census-officers shall be deemed to be public servants within the meaning of the Indian Penal Code, as in force in Mysore.

Discharge of duties of census-officer in certain cases.

4. (1) (*a*) Every officer in command of any body of men belonging to the Military Forces of His Highness the Maharaja,

(*b*) every person in charge of a lunatic asylum, hospital, workhouse, prison or lock-up or of any public, charitable, religious or educational institution,

(*c*) every keeper, secretary or manager of any chattram, hotel, boarding-house, lodging-house, emigration depot or club,

(*d*) every manager or officer of a railway or any commercial or industrial establishment, and

(*e*) every occupant of immovable property wherein at the time of the taking of the census persons are living,—

shall, if so required by the District Magistrate or by such authority as the Government may appoint in this behalf, perform such of the duties of a census-officer in relation to the persons who at the time of the taking of the census are under his command or charge, or are inmates of his house, or are present on or in such immovable property, or are employed under him, as such Magistrate or authority may, by written order direct.

(2) All the provisions of the Act relating to census-officers shall apply, so far as may be, to all persons while performing such duties under this section, and any person refusing or neglecting to perform any duty which under this section he is directed to perform shall be deemed to have committed an offence under section 187 of the Indian Penal Code, as in force in Mysore.

Power to call upon certain persons to give assistance.

5. The District Magistrate, or such authority as the Government may appoint in this behalf for any local area, may, by written order which shall have effect throughout the extent of his district or of such local area, as the case may be, call upon—

(*a*) all owners and occupiers of land, tenure-holders, and farmers and assignees of land revenue, or their agents,

(*b*) all village officers and servants in alienated tracts including inam and khayamgutta villages and jahgirs, and

(*c*) all members and officers of village panchayets, district boards and municipal councils and other local authorities and servants of such authorities,—

to give such assistance as shall be specified in the order towards the taking of a census of the persons who are, at the time of the taking of the census, on the lands of such owners, occupiers, tenure-holders, farmers and assignees, or in the villages or other areas for which such village officers and servants are appointed, or within the areas for which such local authorities are established, as the case may be, and the persons to whom an order under this section is directed shall be bound to obey it and shall, while acting in pursuance of such order, be deemed to be public servants within the meaning of the Indian Penal Code, as in force in Mysore.

Asking of questions and obligation to answer.

6. (1) A census-officer may ask all such questions of all persons within the limits of the local area for which he is appointed as, by instructions issued in this behalf by the Government and published in the official Gazette, he may be directed to ask.

(2) Every person of whom any question is asked under sub-section (1) shall be legally bound to answer such questions to the best of his knowledge and belief:

Provided that no person shall be bound to state the name of any female member of his household, and no woman shall be bound to state the name of her husband or deceased husband or of any other person whose name she is forbidden by custom to mention.

Occupier to permit access and affixing of numbers.

7. Every person occupying any house, enclosure or other place shall allow census-officers such access thereto as they may require for the purpose of the census and as, having regard to the customs of the country, may be reasonable, and shall allow them to paint on, or affix to, the place such letters, marks or numbers as may be necessary for the purposes of the census.

Occupier or manager to fill up schedule.

8. (1) Subject to such orders as the Government may issue in this behalf, a census-officer may, within the local area for which he is appointed, leave or cause to be left a schedule at any dwelling-house or with the manager or any officer of any commercial or industrial establishment, for the purpose of its being filled up by the occupier of such house or of any specified part thereof or by such manager or officer with such particulars as the Government may direct regarding the inmates of such house or part thereof or the persons employed under such manager or officer, as the case may be, at the time of the taking of the census.

(2) When such schedule has been so left, the said occupier, manager or officer, as the case may be, shall fill it up or cause it to be filled up to the best of his knowledge or belief so far as regards the inmates of such house or part thereof or the persons employed under him, as the case may be, at the time aforesaid and shall sign his name thereto and, when so required, shall deliver the schedule so filled up and signed to the census-officer or to such person as the census-officer may direct.

Penalties.

9. (*a*) Any census-officer or any person *lawfully* required to give assistance towards the taking of a census

who refuses or neglects to use reasonable diligence in performing any duty imposed upon him or in obeying any order issued to him in accordance with this Act or any rule made thereunder, or any person who hinders or obstructs another person in performing any such duty or in obeying any such order, or

(*b*) any census-officer who intentionally puts any offensive or improper question or knowingly makes any false return or, without the previous sanction of the Government, discloses any information which he has received by means of, or for the purposes of, a census return, or

(*c*) any person who intentionally gives a false answer to, or refuses to answer to the best of his knowledge or belief any question asked of him by a census-officer which he is legally bound by section 6 to answer, or

(*d*) any person occupying any house, enclosure or other place who refuses to allow a census-officer such reasonable access thereto as he is required by section 7 to allow, or

(*e*) any person who removes, obliterates, alters or damages before the 31st day of March, 1941, any letters, marks or numbers which have been painted or affixed for the purposes of the census, or

(*f*) any person who, having been required under section 8 to fill up a schedule, knowingly and without sufficient cause fails to comply with the provisions of that section, or makes any false return thereunder,—

shall be punishable with fine which may extend to five hundred rupees.

Sanction required for prosecution.

10. No prosecution under this Act shall be instituted except with the previous sanction of the Government or of an authority authorised in this behalf by the Government.

Operation of other laws not barred.

11. Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Act:

Provided that no such prosecution shall be instituted except with the previous sanction referred to in section 10.

Jurisdiction.

12. No Court inferior to that of a Magistrate of the Second Class shall try, whether under this Act or under

any other law, anything which constitutes an offence under this Act.

Record of census not open to inspection nor admissible in evidence.

13. No person shall have a right to inspect any book, register or record made by a census-officer in the discharge of his duties as such, or any schedule delivered under section 8, and notwithstanding anything to the contrary in the Indian Evidence Act, 1872, as applied to Mysore, no entry in any such book, register, record or schedule shall be admissible in evidence in any civil proceeding whatsoever or in any criminal proceeding other than a prosecution under this Act or any other law for any act or omission which constitutes an offence under this Act.

Temporary suspension of other law as to mode of taking census in municipalities.

14. Notwithstanding anything in any enactment or rule with respect to the mode in which census is to be taken in any municipality, the municipal authority, in consultation with such authority as the Government may authorise in this behalf, shall, at the time appointed for the taking of the census of Mysore during the year 1941, cause the census of the municipality to be taken wholly or in part by any method authorised by or under this Act.

Power in regard to expenses.

15. Notwithstanding anything in any enactment or rule in regard to municipal, local, or village funds, the Government may direct that the whole or any part of any expenses incurred for any thing done in accordance with this Act or the rules made thereunder may be charged to any municipal, local or village funds constituted for, and on behalf of, the area within which such expenses were incurred.

Power to to make rules.

16. (1) The Government may make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules providing,—

(*a*) for the appointment of census-officers and of persons to perform any of the duties of census-officers or to give assistance towards the taking of a census, and for the general instructions to be issued to such officers and persons;

(*b*) for the enumeration of persons employed on railways and their families and of other classes of the population for which it may be necessary or expedient to make special provision.

MIRZA M. ISMAIL,
*Dewan.*